

110TH CONGRESS
2D SESSION

H. R. 5947

To amend title 38, United States Code, to establish a returning soldiers' bill of rights.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2008

Mr. KING of New York (for himself, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. REYNOLDS, and Mr. KUHLMANN of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish a returning soldiers' bill of rights.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Returning Soldiers'
5 Bill of Rights Act".

TITLE I—EDUCATION

SEC. 101. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN SUP- PORT OF A CONTINGENCY OPERATION AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

“CHAPTER 33—BASIC EDUCATIONAL AS- SISTANCE FOR SERVICE IN SUPPORT OF A CONTINGENCY OPERATION

“SUBCHAPTER I—DEFINITIONS

“Sec. 3301. Definitions.

“SUBCHAPTER II—EDUCATIONAL ASSISTANCE

“Sec. 3311. Educational assistance for service in the Armed Forces on or after September 11, 2001: entitlement.

“Sec. 3312. Educational assistance: duration.

“Sec. 3313. Educational assistance: amount; payment.

“Sec. 3314. Tutorial assistance.

“Sec. 3315. Licensure and certification tests.

“Sec. 3316. Supplemental educational assistance for additional service.

“Sec. 3317. Transfer of entitlement to basic educational assistance.

“Sec. 3318. Use of educational assistance benefits for the repayment of Federal student loans for certain courses of education.

“SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

“Sec. 3321. Time limitation for use of and eligibility for entitlement.

“Sec. 3322. Bar to duplication of educational assistance benefits.

“Sec. 3323. Administration.

“Sec. 3324. Allocation of administration and costs.

“SUBCHAPTER I—DEFINITIONS

“§ 3301. Definitions

“In this chapter:

1 “(1) The term ‘active duty’ has the meanings
2 as follows (subject to the limitations specified in sec-
3 tions 3002(6) and 3311(b) of this title):

4 “(A) In the case of members of the regular
5 components of the Armed Forces, the meaning
6 given such term in section 101(21)(A) of this
7 title.

8 “(B) In the case of members of the reserve
9 components of the Armed Forces, service on ac-
10 tive duty under a call or order to active duty
11 under section 688, 12301(a), 12301(d),
12 12301(g), 12302, or 12304 of title 10.

13 “(2) The term ‘contingency operation’ has the
14 meaning given such term under section 101(a)(13)
15 of title 10, United States Code.

16 “(3) The term ‘entry level and skill training’
17 means the following:

18 “(A) In the case of members of the Army,
19 Basic Combat Training and Advanced Indi-
20 vidual Training.

21 “(B) In the case of members of the Navy,
22 Recruit Training (or Boot Camp) and Skill
23 Training (or so-called ‘A’ School).

1 “(C) In the case of members of the Air
2 Force, Basic Military Training and Technical
3 Training.

4 “(D) In the case of members of the Marine
5 Corps, Recruit Training and Marine Corps
6 Training (or School of Infantry Training).

7 “(E) In the case of members of the Coast
8 Guard, Basic Training.

9 “(4) The terms ‘program of education’ and
10 ‘Secretary of Defense’ have the meaning given such
11 terms in section 3002 of this title.

12 “SUBCHAPTER II—EDUCATIONAL ASSISTANCE
13 **“§ 3311. Educational assistance for service in the**
14 **Armed Forces on or after September 11,**
15 **2001: entitlement**

16 “(a) ENTITLEMENT.—Subject to subsections (d) and
17 (e), each individual described in subsection (b) is entitled
18 to educational assistance under this chapter.

19 “(b) COVERED INDIVIDUALS.—An individual de-
20 scribed in this subsection is any individual (including an
21 individual as a Reserve) who—

22 “(1) on or after September 11, 2001, serves an
23 aggregate of at least 6 months on active duty in the
24 Armed Forces in support of a contingency operation;
25 and

1 “(2) after completion of service described in
2 paragraph (1)—

3 “(A) continues on active duty; or

4 “(B) is discharged or released from active
5 duty as described in subsection (c).

6 “(c) COVERED DISCHARGES AND RELEASES.—A dis-
7 charge or release from active duty of an individual de-
8 scribed in this subsection is a discharge or release as fol-
9 lows:

10 “(1) A discharge from active duty in the Armed
11 Forces with an honorable discharge.

12 “(2) A release after service on active duty in
13 the Armed Forces characterized by the Secretary
14 concerned as honorable service and placement on the
15 retired list, transfer to the Fleet Reserve or Fleet
16 Marine Corps Reserve, or placement on the tem-
17 porary disability retired list.

18 “(3) A release from active duty in the Armed
19 Forces for further service in a reserve component of
20 the Armed Forces after service on active duty char-
21 acterized by the Secretary concerned as honorable
22 service.

23 “(4) A discharge or release from active duty in
24 the Armed Forces for—

25 “(A) a service-connected disability;

1 “(B) a medical condition which preexisted
2 the service of the individual as described in the
3 applicable paragraph of subsection (b) and
4 which the Secretary determines is not service-
5 connected;

6 “(C) hardship; or

7 “(D) a physical or mental condition that
8 was not characterized as a disability and did
9 not result from the individual’s own willful mis-
10 conduct but did interfere with the individual’s
11 performance of duty, as determined by the Sec-
12 retary concerned in accordance with regulations
13 prescribed by the Secretary of Defense.

14 “(d) CONTRIBUTION.—(1) Except as provided in
15 paragraph (2), the basic pay of any individual described
16 in subsection (b) who elects to receive educational assist-
17 ance under this chapter shall be reduced by \$100 for each
18 of the first 12 months that such individual is entitled to
19 such pay.

20 “(2) In the case of an individual covered by para-
21 graph (1) who is a member of the Selected Reserve, the
22 Secretary of Defense shall collect from the individual an
23 amount equal to \$1,200 not later than one year after com-
24 pletion by the individual of the two years of service on
25 active duty providing the basis for such entitlement. The

1 Secretary of Defense may collect such amount through re-
2 ductions in basic pay in accordance with paragraph (1)
3 or through such other method as the Secretary of Defense
4 considers appropriate.

5 “(3) Any amount by which the basic pay of an indi-
6 vidual is reduced under this subsection shall revert to the
7 Treasury and shall not, for purposes of any Federal law,
8 be considered to have been received by or to be within the
9 control of such individual.

10 **“§ 3312. Educational assistance: duration**

11 “(a) IN GENERAL.—Subject to section 3695 of this
12 title and except as provided in subsections (b) and (c),
13 an individual entitled to educational assistance under this
14 chapter is entitled to a number of months of educational
15 assistance under section 3313 of this title equal to 36
16 months, which is the equivalent of four academic years.

17 “(b) CONTINUING RECEIPT.—The receipt of edu-
18 cational assistance under section 3313 of this title by an
19 individual entitled to educational assistance under this
20 chapter is subject to the provisions of section 3321(b)(2)
21 of this title.

22 “(c) DISCONTINUATION OF EDUCATION FOR ACTIVE
23 DUTY.—(1) Any payment of educational assistance de-
24 scribed in paragraph (2) shall not—

1 “(A) be charged against any entitlement to edu-
2 cational assistance of the individual concerned under
3 this chapter; or

4 “(B) be counted against the aggregate period
5 for which section 3695 of this title limits the individ-
6 ual’s receipt of educational assistance under this
7 chapter.

8 “(2) Subject to paragraph (3), the payment of edu-
9 cational assistance described in this paragraph is the pay-
10 ment of such assistance to an individual for pursuit of a
11 course or courses under this chapter if the Secretary finds
12 that the individual—

13 “(A)(i) in the case of an individual not serving
14 on active duty, had to discontinue such course pur-
15 suit as a result of being called or ordered to serve
16 on active duty under section 688, 12301(a),
17 12301(d), 12301(g), 12302, or 12304 of title 10; or

18 “(ii) in the case of an individual serving on ac-
19 tive duty, had to discontinue such course pursuit as
20 a result of being ordered to a new duty location or
21 assignment or to perform an increased amount of
22 work; and

23 “(B) failed to receive credit or lost training
24 time toward completion of the individual’s approved
25 education, professional, or vocational objective as a

1 result of having to discontinue, as described in sub-
2 paragraph (A), the individual's course pursuit.

3 “(3) The period for which, by reason of this sub-
4 section, educational assistance is not charged against enti-
5 tlement or counted toward the applicable aggregate period
6 under section 3695 of this title shall not exceed the por-
7 tion of the period of enrollment in the course or courses
8 from which the individual failed to receive credit or with
9 respect to which the individual lost training time, as deter-
10 mined under paragraph (2)(B).

11 **“§ 3313. Educational assistance: amount; payment**

12 “(a) PAYMENT.—The Secretary shall pay to each in-
13 dividual entitled to educational assistance under this chap-
14 ter who is pursuing an approved program of education
15 (other than a program covered by subsections (e) through
16 (i)) the amounts specified in subsection (c) to meet the
17 expenses of such individual's subsistence, tuition, fees, and
18 other educational costs for pursuit of such program of
19 education.

20 “(b) APPROVED PROGRAMS OF EDUCATION.—Except
21 as provided in subsections (g) through (i), a program of
22 education is an approved program of education for pur-
23 poses of this chapter if the program of education is ap-
24 proved for purposes of chapter 30 of this title.

1 “(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The
2 amounts payable under this subsection for pursuit of an
3 approved program of education are amounts as follows:

4 “(1) An amount equal to the established
5 charges for in-State students for the program of
6 education at the most expensive public postsec-
7 ondary institution of any State.

8 “(2) A stipend in the amount of \$1,000 for
9 each month for room, board, books, supplies, equip-
10 ment, and other educational materials.

11 “(d) FREQUENCY OF PAYMENT.—(1) Except as pro-
12 vided in paragraph (2), payment of the amounts payable
13 under subsections (c)(1) and (c)(2) shall be made on a
14 monthly basis.

15 “(2) At the request of an individual entitled to edu-
16 cational assistance under this chapter, payment of the
17 amounts payable under subsections (c)(1) and (c)(2) shall
18 be made in a lump-sum amount for the entire quarter,
19 semester, or term, as applicable, before the commencement
20 of such quarter, semester, or term.

21 “(3) The Secretary shall prescribe in regulations
22 methods for determining the number of months (including
23 fractions thereof) of entitlement of an individual to edu-
24 cational assistance this subsection that are chargeable
25 under this subsection for an advance payment of amounts

1 under paragraphs (1) and (2) on a quarter, semester,
2 term, or other basis.

3 “(e) PROGRAMS OF EDUCATION PURSUED ON AC-
4 TIVE DUTY.—(1) Educational assistance is payable under
5 this chapter for pursuit of an approved program of edu-
6 cation while on active duty.

7 “(2) The amount of educational assistance payable
8 under this chapter to an individual pursuing a program
9 of education while on active duty is the lesser of—

10 “(A) the established charges which similarly
11 circumstanced nonveterans enrolled in the program
12 of education involved would be required to pay; or

13 “(B) the amount of the charges of the edu-
14 cational institution as elected by the individual in
15 the manner specified in section 3014(b)(1) of this
16 title.

17 “(3) For each month (as determined pursuant to the
18 methods prescribed under subsection (d)(4)) for which
19 amounts are paid an individual under this subsection, the
20 entitlement of the individual to educational assistance
21 under this chapter shall be charged at the rate of one
22 month for each such month.

23 “(f) PROGRAMS OF EDUCATION PURSUED ON LESS
24 THAN HALF-TIME BASIS.—(1) Educational assistance is

1 payable under this chapter for pursuit of an approved pro-
2 gram of education on less than half-time basis.

3 “(2) The educational assistance payable under this
4 chapter to an individual pursuing a program of education
5 on less than half-time basis is the amounts as follows:

6 “(A) The amount equal to the lesser of—

7 “(i) the established charges which similarly
8 circumstanced nonveterans enrolled in the pro-
9 gram of education involved would be required to
10 pay; or

11 “(ii) the maximum amount that would be
12 payable to the individual for the program of
13 education under paragraph (1) of subsection
14 (c), for the program of education if the indi-
15 vidual were entitled to amounts for the program
16 of education under subsection (c) rather than
17 this subsection.

18 “(B) A housing stipend in an amount equal to
19 the amount of the appropriately reduced amount of
20 monthly stipend for housing otherwise payable to the
21 individual under subsection (c).

22 “(C) A stipend in an amount equal to the
23 amount of the appropriately reduced amount of the
24 yearly stipend for books, supplies, equipment, and

1 other educational costs otherwise payable to the indi-
2 vidual under subsection (c).

3 “(3)(A) Except as provided in subparagraph (C),
4 payments of the amounts payable to an individual under
5 subparagraphs (A) and (B) of paragraph (2) shall be
6 made on a monthly basis.

7 “(B) Payment of the amounts payable to an indi-
8 vidual under subparagraph (C) of paragraph (2) for pur-
9 suit of a program of education on less than half-time basis
10 shall be made in a lump-sum, and shall be made not later
11 than the last day of the month immediately following the
12 month in which certification is received from the edu-
13 cational institution involved that the individual has en-
14 rolled in and is pursuing a program of education at the
15 institution.

16 “(C) At the request of an individual entitled to edu-
17 cational assistance under this chapter, payment of the
18 amounts payable under subparagraph (A) of paragraph
19 (2) for pursuit of a program of education on less than
20 a half-time basis shall be made in a lump-sum amount
21 for the entire quarter, semester, or term, as applicable,
22 of the program of education before the commencement of
23 such quarter, semester, or term.

24 “(4) For each month (as determined pursuant to the
25 methods prescribed under subsection (d)(4)) for which

1 amounts are paid an individual under this subsection, the
2 entitlement of the individual to educational assistance
3 under this chapter shall be charged at a percentage of a
4 month equal to—

5 “(A) the number of course hours borne by the
6 individual in pursuit of the program of education in-
7 volved, divided by

8 “(B) the number of course hours for full-time
9 pursuit of such program of education.

10 “(g) APPRENTICESHIP OR OTHER ON-JOB TRAIN-
11 ING.—(1) Educational assistance is payable under this
12 chapter for full-time pursuit of a program of apprentice-
13 ship or other on-job training described in paragraphs (1)
14 and (2) of section 3687(a) of this title.

15 “(2) The educational assistance payable under this
16 chapter to an individual for pursuit of a program of ap-
17 prenticeship or training referred to in paragraph (1) is
18 the amounts as follows:

19 “(A) The amount equal to the lesser of—

20 “(i) the established charge which similarly
21 circumstances nonveterans enrolled in the pro-
22 gram would be required to pay; or

23 “(ii) the maximum amount that would be
24 payable to the individual for the program of
25 education under paragraph (1) of subsection (c)

1 for the program of education if the individual
2 were entitled to amounts for the program of
3 education under subsection (c) rather than this
4 subsection.

5 “(B) A housing stipend in an amount equal to
6 the amount of the appropriately reduced amount of
7 monthly stipend for housing otherwise payable to the
8 individual under subsection (c).

9 “(C) A stipend in an amount equal to the
10 amount of the appropriately reduced amount of the
11 yearly stipend for books, supplies, equipment, and
12 other educational costs otherwise payable to the indi-
13 vidual under subsection (c).

14 “(3) The nature and amount of the tuition, fees, and
15 other expenses constituting the established charge for a
16 program of apprenticeship or training under this sub-
17 section shall be determined in accordance with regulations
18 prescribed by the Secretary.

19 “(4)(A) Payment of the amounts payable under sub-
20 paragraphs (A) and (C) of paragraph (2) for pursuit of
21 a program of apprenticeship or training shall be made,
22 at the election of the Secretary—

23 “(i) in a lump sum for such period of the pro-
24 gram as the Secretary shall determine before the
25 commencement of such period of the program; or

1 “(ii) on a monthly basis.

2 “(B) Payments of the amounts payable under sub-
3 paragraph (B) of paragraph (2) shall be made on a
4 monthly basis.

5 “(5) For each month (as determined pursuant to the
6 methods prescribed under subsection (d)(4)) for which
7 amounts are paid an individual under this subsection, the
8 entitlement of the individual to educational assistance
9 under this chapter shall be charged at the rate of one
10 month for each such month.

11 “(h) PROGRAMS OF EDUCATION BY CORRESPOND-
12 ENCE.—(1) Educational assistance is payable under this
13 chapter for pursuit of a program of education exclusively
14 by correspondence.

15 “(2) The educational assistance payable under this
16 chapter to an individual who is pursuing a program of
17 education exclusively by correspondence is the amounts as
18 follows:

19 “(A) An amount equal to 55 percent of amount
20 that would be payable to the individual for the pro-
21 gram of education under paragraph (1) of subsection
22 (c) for the program of education if the individual
23 were entitled to amounts for the program of edu-
24 cation under subsection (c) rather than this sub-
25 section.

1 “(B) A stipend in an amount equal to the
2 equivalent of 55 percent of the appropriately reduced
3 amount of the yearly stipend for books, supplies,
4 equipment, and other educational costs otherwise
5 payable to the individual under subsection (c).

6 “(3) Payment of the amounts payable under para-
7 graph (2) for pursuit of a program of education by cor-
8 respondence shall be made quarterly on a pro rata basis
9 for the lessons completed by the individual and serviced
10 by the institution involved.

11 “(4) For each month (as determined pursuant to the
12 methods prescribed under subsection (d)(4)) for which
13 amounts are paid an individual under this subsection, the
14 entitlement of the individual to educational assistance
15 under this chapter shall be charged at the rate of one
16 month for each such month.

17 “(i) FLIGHT TRAINING.—(1) Educational assistance
18 is payable under this chapter for a program of education
19 consisting of flight training as follows:

20 “(A) Courses of flight training approved under
21 section 3860A(b) of this title.

22 “(B) Flight training meeting the requirements
23 of section 3034(d) of this title.

24 “(2) Paragraphs (2) and (4) of section 3032(e) of
25 this title shall apply with respect to the availability of edu-

1 cational assistance under this chapter for pursuit of flight
2 training covered by paragraph (1).

3 “(3) The educational assistance payable under this
4 chapter to an individual for pursuit of a program of edu-
5 cation consisting of flight training covered by paragraph
6 (1) is the amounts as follows:

7 “(A) The amount equal to the lesser of—

8 “(i) the established charge which similarly
9 circumstances nonveterans enrolled in the pro-
10 gram would be required to pay; or

11 “(ii) the maximum amount that would be
12 payable to the individual for the program of
13 education under paragraph (1) of subsection (c)
14 for the program of education if the individual
15 were entitled to amounts for the program of
16 education under subsection (c) rather than this
17 subsection.

18 “(B) A housing stipend in an amount equal to
19 the amount of the appropriately reduced amount of
20 monthly stipend for housing otherwise payable to the
21 individual under subsection (c).

22 “(C) A monthly stipend in an amount equal to
23 the monthly equivalent of the appropriately reduced
24 amount of the yearly stipend for books, supplies,

1 equipment, and other educational costs otherwise
2 payable to the individual under subsection (c).

3 “(4) The nature and amount of the tuition, fees, and
4 other expenses constituting the established charge for a
5 program of flight training under this subsection shall be
6 determined in accordance with regulations prescribed by
7 the Secretary.

8 “(5) Payment of the amounts payable under para-
9 graph (3) for pursuit of a program of flight training shall
10 be made on a monthly basis.

11 “(6) For each month for which amounts are paid an
12 individual under this subsection, the entitlement of the in-
13 dividual to educational assistance under this chapter shall
14 be charged at the rate of one month for each such month.

15 “(j) PAYMENT OF CERTAIN AMOUNTS BY VOUCH-
16 ER.—Amounts payable under subsections (c)(1),
17 (e)(2)(A), (f)(2)(A), (g)(2)(A), (h)(2)(A), and (i)(3)(A)
18 shall be paid to the individual concerned in the form of
19 a voucher, or other form of credit specified by the Sec-
20 retary for purposes of this subsection, that is redeemable
21 by the educational institution concerned in such manner
22 as the Secretary shall prescribe.

23 “(k) ESTABLISHED CHARGES DEFINED.—(1) In sub-
24 sections (c), (e), and (f), the term ‘established charges’,
25 in the case of a program of education, means the actual

1 charges (as determined pursuant to regulations prescribed
2 by the Secretary) for tuition and fees which similarly
3 circumstanced nonveterans enrolled in the program of
4 education would be required to pay.

5 “(2) Established charges shall be determined for pur-
6 poses of this subsection on the following basis:

7 “(A) In the case of an individual enrolled in a
8 program of education offered on a term, quarter, or
9 semester basis, the tuition and fees charged the indi-
10 vidual for the term, quarter, or semester.

11 “(B) In the case of an individual enrolled in a
12 program of education not offered on a term, quarter,
13 or semester basis, the tuition and fees charged the
14 individual for the entire program of education.

15 **“§ 3314. Tutorial assistance**

16 “(a) IN GENERAL.—Subject to subsection (b), an in-
17 dividual entitled to educational assistance under this chap-
18 ter shall also be entitled to benefits provided an eligible
19 veteran under section 3492 of this title.

20 “(b) CONDITIONS.—(1) The provision of benefits
21 under subsection (a) shall be subject to the conditions ap-
22 plicable to an eligible veteran under section 3492 of this
23 title.

24 “(2) In addition to the conditions specified in para-
25 graph (1), benefits may not be provided to an individual

1 under subsection (a) unless the professor or other indi-
 2 vidual teaching, leading, or giving the course for which
 3 such benefits are provided certifies that—

4 “(A) such benefits are essential to correct a de-
 5 ficiency of the individual in such course; and

6 “(B) such course is required as a part of, or is
 7 prerequisite or indispensable to the satisfactory pur-
 8 suit of, an approved program of education.

9 “(c) AMOUNT.—(1) The amount of benefits described
 10 in subsection (a) that are payable under this section may
 11 not exceed \$100 per month, for a maximum of 12 months,
 12 or until a maximum of \$1,200 is utilized.

13 “(2) The amount provided an individual under this
 14 subsection is in addition to the amounts of educational as-
 15 sistance paid the individual under section 3313 of this
 16 title.

17 “(d) NO CHARGE AGAINST ENTITLEMENT.—Any
 18 benefits provided an individual under subsection (a) are
 19 in addition to any other educational assistance benefits
 20 provided the individual under this chapter.

21 **“§ 3315. Licensure and certification tests**

22 “(a) IN GENERAL.—An individual entitled to edu-
 23 cational assistance under this chapter shall also be entitled
 24 to payment for one licensing or certification test described
 25 in section 3452(b) of this title.

1 “(b) LIMITATION ON AMOUNT.—The amount payable
2 under subsection (a) for a licensing or certification test
3 may not exceed the lesser of—

4 “(1) \$2,000; or

5 “(2) the fee charged for the test.

6 “(c) NO CHARGE AGAINST ENTITLEMENT.—Any
7 amount paid an individual under subsection (a) is in addi-
8 tion to any other educational assistance benefits provided
9 the individual under this chapter.

10 **“§ 3316. Supplemental educational assistance for ad-**
11 **ditional service**

12 “(a) IN GENERAL.—Under such regulations as the
13 Secretary of Defense shall prescribe, an individual entitled
14 to educational assistance under this chapter shall be eligi-
15 ble for supplemental educational assistance for additional
16 service as authorized by the provisions of subchapter III
17 of chapter 30 of this title.

18 “(b) ADMINISTRATION.—The qualification for entitle-
19 ment, amount, and payment of supplemental educational
20 assistance under this section shall be in accordance with
21 the provisions of subchapter III of chapter 30 of this title,
22 except that any reference in such provisions to eligibility
23 for basic educational assistance under a provision of sub-
24 chapter II of chapter 30 of this title shall be treated as

1 a reference to eligibility for educational assistance under
2 the appropriate provision of this chapter.

3 **“§ 3317. Transfer of entitlement to basic educational**
4 **assistance**

5 “(a) IN GENERAL.—Subject to the provisions of this
6 section, an individual who is entitled to basic educational
7 assistance under this subchapter to elect to transfer to one
8 or more of the dependents specified in subsection (b) a
9 portion of such individual’s entitlement to such assistance.

10 “(b) ELIGIBLE DEPENDENTS.—An individual ap-
11 proved to transfer an entitlement to basic educational as-
12 sistance under this section may transfer the individual’s
13 entitlement as follows:

14 “(1) To the individual’s spouse.

15 “(2) To one or more of the individual’s chil-
16 dren.

17 “(3) To a combination of the individuals re-
18 ferred to in paragraphs (1) and (2).

19 “(c) DESIGNATION OF TRANSFEREE.—An individual
20 transferring an entitlement to basic educational assistance
21 under this section shall—

22 “(1) designate the dependent or dependents to
23 whom such entitlement is being transferred;

1 “(2) designate the number of months of such
2 entitlement to be transferred to each such depend-
3 ent; and

4 “(3) specify the period for which the transfer
5 shall be effective for each dependent designated
6 under paragraph (1).

7 **“§ 3318. Use of educational assistance benefits for the**
8 **repayment of Federal student loans for**
9 **certain courses of education**

10 “(a) USE OF BENEFITS.—Notwithstanding any other
11 provision of this chapter, an individual who is entitled to
12 educational assistance under this subchapter may apply
13 amounts of such educational assistance otherwise available
14 to the individual to repay some or all of any Federal stu-
15 dent loan balance owed by the individual for a course of
16 education.

17 “(b) AMOUNT OF PAYMENTS.—The Secretary shall
18 make monthly payments under this section in such
19 amounts as the individual may elect for the repayment of
20 a Federal student loan of such an individual.

21 “(c) ARRANGEMENTS TO MAKE PAYMENTS.—The
22 Secretary shall enter into such arrangements, and shall
23 prescribe such regulations, as may be necessary to carry
24 out this section.

1 “(d) FEDERAL STUDENT LOAN DEFINED.—In this
2 section, the term ‘Federal student loan’ means any loan
3 made under title IV of the Higher Education Act of 1965
4 (20 U.S.C. 1070 et seq.).

5 “SUBCHAPTER III—ADMINISTRATIVE
6 PROVISIONS

7 **“§ 3321. Time limitation for use of and eligibility for**
8 **entitlement**

9 “(a) IN GENERAL.—Except as provided in this sec-
10 tion, the period during which an individual entitled to edu-
11 cational assistance under this chapter may use such indi-
12 vidual’s entitlement expires at the end of the 20-year pe-
13 riod beginning on the date of such individual’s last dis-
14 charge or release from active duty.

15 “(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d)
16 of section 3031 of this title shall apply with respect to
17 the running of the 20-year period described in subsection
18 (a) of this section in the same manner as such subsections
19 apply under section 3031 of this title with respect to the
20 running of the 10-year period described in section 3031(a)
21 of this title.

22 “(2) Section 3031(f) of this title shall apply with re-
23 spect to the termination of an individual’s entitlement to
24 educational assistance under this chapter in the same
25 manner as such section applies to the termination of an

1 individual's entitlement to educational assistance under
 2 chapter 30 of this title, except that, in the administration
 3 of such section for purposes of this chapter, the reference
 4 to section 3013 of this title shall be deemed to be a ref-
 5 erence to 3312 of this title.

6 “(3) For purposes of subsection (a), an individual's
 7 last discharge or release from active duty shall not include
 8 any discharge or release from a period of active duty of
 9 less than 90 days of continuous service, unless the indi-
 10 vidual is discharged or released as described in section
 11 3011(c)(4).

12 **“§ 3322. Bar to duplication of educational assistance**
 13 **benefits**

14 “(a) IN GENERAL.—An individual entitled to edu-
 15 cational assistance under this chapter who is also eligible
 16 for educational assistance under chapter 30, 31, 32, or
 17 35 of this title, chapter 107, 1606, or 1607 of title 10,
 18 or the provisions of the Hostage Relief Act of 1980 (Public
 19 Law 96–449; 5 U.S.C. 5561 note) may not receive assist-
 20 ance under two or more such programs concurrently, but
 21 shall elect (in such form and manner as the Secretary may
 22 prescribe) under which chapter or provisions to receive
 23 educational assistance.

24 “(b) INAPPLICABILITY OF SERVICE TREATED UNDER
 25 EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period

1 of service counted for purposes of repayment of an edu-
2 cation loan under chapter 109 of title 10 may not be
3 counted as a period of service for entitlement to edu-
4 cational assistance under this chapter.

5 “(c) SERVICE IN SELECTED RESERVE.—An indi-
6 vidual who serves in the Selected Reserve may receive
7 credit for such service under only one of this chapter,
8 chapter 30 of this title, and chapters 1606 and 1607 of
9 title 10, and shall elect (in such form and manner as the
10 Secretary may prescribe) under which chapter such service
11 is to be credited.

12 “(d) ADDITIONAL COORDINATION MATTERS.—In the
13 case of an individual entitled to educational assistance
14 under chapter 30, 31, 32, or 35 of this title, chapter 107,
15 1606, or 1607 of title 10, or the provisions of the Hostage
16 Relief Act of 1980, or making contributions toward enti-
17 tlement to educational assistance under chapter 30 of this
18 title, as of the date of the enactment of the Returning
19 Soldiers’ Bill of Rights Act, coordination of entitlement
20 to educational assistance under this chapter, on the one
21 hand, and such chapters or provisions, on the other, shall
22 be governed by the provisions of section 101(c) of the Re-
23 turning Soldiers’ Bill of Rights Act.

1 **“§ 3323. Administration**

2 “(a) IN GENERAL.—(1) Except as otherwise provided
3 in this chapter, the provisions specified in section
4 3034(a)(1) of this title shall apply to the provision of edu-
5 cational assistance under this chapter.

6 “(2) In applying the provisions referred to in para-
7 graph (1) to an individual entitled to educational assist-
8 ance under this chapter for purposes of this section, the
9 reference in such provisions to the term ‘eligible veteran’
10 shall be deemed to refer to an individual entitled to edu-
11 cational assistance under this chapter.

12 “(3) In applying section 3474 of this title to an indi-
13 vidual entitled to educational assistance under this chapter
14 for purposes of this section, the reference in such section
15 3474 to the term ‘educational assistance allowance’ shall
16 be deemed to refer to educational assistance payable under
17 section 3313 of this title.

18 “(4) In applying section 3482(g) of this title to an
19 individual entitled to educational assistance under this
20 chapter for purposes of this section—

21 “(A) the first reference to the term ‘educational
22 assistance allowance’ in such section 3482(g) shall
23 be deemed to refer to educational assistance payable
24 under section 3313 of this title; and

1 “(B) the first sentence of paragraph (1) of such
2 section 3482(g) shall be applied as if such sentence
3 ended with ‘equipment’.

4 “(b) INFORMATION ON BENEFITS.—(1) The Sec-
5 retary of Veterans Affairs shall provide the information
6 described in paragraph (2) to each member of the Armed
7 Forces at such times as the Secretary of Veterans Affairs
8 and the Secretary of Defense shall jointly prescribe in reg-
9 ulations.

10 “(2) The information described in this paragraph is
11 information on benefits, limitations, procedures, eligibility
12 requirements (including time-in-service requirements),
13 and other important aspects of educational assistance
14 under this chapter, including application forms for such
15 assistance under section 5102 of this title.

16 “(3) The Secretary of Veterans Affairs shall furnish
17 the information and forms described in paragraph (2), and
18 other educational materials on educational assistance
19 under this chapter, to educational institutions, training es-
20 tablishments, military education personnel, and such other
21 persons and entities as the Secretary considers appro-
22 priate.

23 “(c) REGULATIONS.—(1) The Secretary shall pre-
24 scribe regulations for the administration of this chapter.

1 “(2) Any regulations prescribed by the Secretary of
 2 Defense for purposes of this chapter shall apply uniformly
 3 across the Armed Forces.

4 **“§ 3324. Allocation of administration and costs**

5 “(a) ADMINISTRATION.—Except as otherwise pro-
 6 vided in this chapter, the Secretary shall administer the
 7 provision of educational assistance under this chapter.

8 “(b) COSTS.—Payments for entitlement to edu-
 9 cational assistance earned under this chapter shall be
 10 made from funds appropriated to, or otherwise made avail-
 11 able to, the Department of Veterans Affairs for the pay-
 12 ment of readjustment benefits.”.

13 (2) CLERICAL AMENDMENTS.—The tables of
 14 chapters at the beginning of title 38, United States
 15 Code, and at the beginning of part III of such title,
 16 are each amended by inserting after the item relat-
 17 ing to chapter 32 the following new item:

**“33. Basic Educational Assistance for Service in Support
 of a Contingency Operation 3301”.**

18 (b) CONFORMING AMENDMENTS.—

19 (1) AMENDMENTS RELATING TO DUPLICATION
 20 OF BENEFITS.—

21 (A) Section 3033 of title 38, United States
 22 Code, is amended—

23 (i) in subsection (a)(1), by inserting
 24 “33,” after “32,”; and

1 (ii) in subsection (c), by striking
2 “both the program established by this
3 chapter and the program established by
4 chapter 106 of title 10” and inserting “two
5 or more of the programs established by
6 this chapter, chapter 33 of this title, and
7 chapters 1606 and 1607 of title 10”.

8 (B) Paragraph (4) of section 3695(a) of
9 such title is amended to read as follows:
10 “(4) Chapters 30, 32, 33, 34, 35, and 36 of
11 this title.”.

12 (C) Section 16163(e) of title 10, United
13 States Code, is amended by inserting “33,”
14 after “32,”.

15 (2) ADDITIONAL CONFORMING AMENDMENTS.—

16 (A) Title 38, United States Code, is fur-
17 ther amended by inserting “33,” after “32,”
18 each place it appears in the following provi-
19 sions:

20 (i) In subsections (b) and (e)(1) of
21 section 3485.

22 (ii) In section 3688(b).

23 (iii) In subsections (a)(1), (c)(1),
24 (c)(1)(G), (d), and (e)(2) of section 3689.

25 (iv) In section 3690(b)(3)(A).

1 (v) In subsections (a) and (b) of sec-
 2 tion 3692.

3 (vi) In section 3697(a).

4 (B) Section 3697A(b)(1) of such title is
 5 amended by striking “or 32” and inserting “32,
 6 or 33”.

7 (c) APPLICABILITY TO INDIVIDUALS UNDER MONT-
 8 GOMERY GI BILL PROGRAM.—

9 (1) INDIVIDUALS ELIGIBLE TO ELECT PARTICI-
 10 PATION IN EDUCATIONAL ASSISTANCE PROGRAM FOR
 11 SERVICE IN SUPPORT OF A CONTINGENCY OPER-
 12 ATION.—An individual may elect to receive edu-
 13 cational assistance under chapter 33 of title 38,
 14 United States Code (as added by subsection (a)), if
 15 such individual—

16 (A) before, on, or after of the date of the
 17 enactment of this Act—

18 (i) is entitled to basic educational as-
 19 sistance under chapter 30 of title 38,
 20 United States Code, whether or not the in-
 21 dividual has used all or part of the individ-
 22 ual’s entitlement under that chapter;

23 (ii) is entitled to educational assist-
 24 ance under chapter 107, 1606, or 1607 of
 25 title 10, United States Code, whether or

not the individual has used all or part of the individual's entitlement under that chapter;

(iii) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(iv) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) ELECTION ON TREATMENT OF TRANSFERRED ENTITLEMENT.—

(A) ELECTION.—If, on the date an individual described in subparagraph (A)(i) or

1 (A)(iii) of paragraph (1) makes an election
2 under that paragraph, a transfer of the entitle-
3 ment of the individual to basic educational as-
4 sistance under section 3020 of title 38, United
5 States Code, is in effect and a number of
6 months of the entitlement so transferred remain
7 unutilized, the individual may elect to revoke all
8 or a portion of the entitlement so transferred
9 that remains unutilized.

10 (B) AVAILABILITY OF REVOKED ENTITLE-
11 MENT.—Any entitlement revoked by an indi-
12 vidual under this paragraph shall no longer be
13 available to the dependent to whom transferred,
14 but shall be available to the individual instead
15 for educational assistance under chapter 33 of
16 title 38, United States Code (as so added), as
17 provided in paragraph (3)(B).

18 (C) AVAILABILITY OF UNREVOKED ENTI-
19 TLEMENT.—Any entitlement described in sub-
20 paragraph (A) that is not revoked by an indi-
21 vidual in accordance with that subparagraph
22 shall remain available to the dependent or de-
23 pendents concerned in accordance with the cur-
24 rent transfer of such entitlement under section
25 3020 of title 38, United States Code.

1 (3) EDUCATIONAL ASSISTANCE FOR SERVICE IN
2 SUPPORT OF A CONTINGENCY OPERATION.—

3 (A) IN GENERAL.—Subject to subpara-
4 graph (B), an individual making an election
5 under paragraph (1) shall be entitled to edu-
6 cational assistance under chapter 33 of title 38,
7 United States Code (as so added), in accord-
8 ance with the provisions of such chapter, in-
9 stead of basic educational assistance under
10 chapter 30 of title 38, United States Code, or
11 educational assistance under chapter 107,
12 1606, or 1607 of title 10, United States Code,
13 as applicable.

14 (B) LIMITATION ON ENTITLEMENT FOR
15 CERTAIN INDIVIDUALS.—In the case of an indi-
16 vidual making an election under paragraph (1)
17 who is described by subparagraph (A)(i) of that
18 paragraph, the number of months of entitle-
19 ment of such individual to educational assist-
20 ance under chapter 33 of title 38, United
21 States Code (as so added), shall be the number
22 of months equal to the number of months of
23 unused entitlement of such individual under
24 chapter 30 of title 38, United States Code, as
25 of the date of the election, including any num-

1 ber of months entitlement revoked by the indi-
2 vidual under paragraph (2)(A).

3 (4) CONTINUING EDUCATIONAL ASSISTANCE
4 UNDER MONTGOMERY GI BILL.—

5 (A) IN GENERAL.—If the aggregate
6 amount of entitlement to educational assistance
7 under chapter 33 of title 38, United States
8 Code (as so added), accumulated by an indi-
9 vidual described in subparagraph (A)(i) or
10 (A)(ii) of paragraph (1) who makes an election
11 under that paragraph is less than 36 months,
12 the individual shall retain, and may utilize, any
13 unutilized entitlement of the individual to edu-
14 cational assistance under chapter 30 of title 38,
15 United States Code, or chapter 107, 1606, or
16 1607 of title 10, United States Code, as appli-
17 cable, for a number of months equal to the less-
18 er of—

19 (i) 36 months minus the number of
20 months of entitlement so accumulated by
21 the individual; or

22 (ii) the number of months of such un-
23 utilized entitlement of the individual.

24 (B) UTILIZATION OF RETAINED ENTITLE-
25 MENT.—The utilization of entitlement retained

1 by an individual under this paragraph shall be
2 governed by the provisions of chapter 30 of title
3 38, United States Code, or chapter 107, 1606,
4 or 1607 of title 10, United States Code, as ap-
5 plicable.

6 (5) TREATMENT OF CONTRIBUTIONS TOWARD
7 BASIC EDUCATIONAL ASSISTANCE.—

8 (A) REFUND OF CONTRIBUTIONS.—Except
9 as provided in subparagraph (B), the Secretary
10 of Veterans Affairs shall pay to each individual
11 making an election under paragraph (1) who is
12 described by clause (i), (iii), or (v) of subpara-
13 graph (A) of that paragraph an amount equal
14 to the total amount of contributions made by
15 such individual under subchapter II of chapter
16 30 of title 38, United States Code, for basic
17 educational assistance under that chapter, in-
18 cluding any contributions made under sub-
19 section (b) or (e) of section 3011 of such title
20 or any contributions made under subsection (c)
21 or (f) of section 3012 of such title.

22 (B) EXCEPTION.—In the case of an indi-
23 vidual described by subparagraph (A) who is
24 entitled to basic educational assistance under
25 chapter 30 of title 38, United States Code, by

1 reason of paragraph (4)(A), the amount payable
2 to the individual under this paragraph shall be
3 an amount equal to—

4 (i) the amount otherwise payable to
5 the individual under subparagraph (A),
6 multiplied by

7 (ii) a fraction—

8 (I) the numerator of which is the
9 number equal to the number of
10 months of basic educational assistance
11 under chapter 30 of title 38, United
12 States Code, to which the individual is
13 entitled by reason of paragraph
14 (4)(A); and

15 (II) the denominator of which is

16 36.

17 (C) CESSATION OF CONTRIBUTIONS.—Ef-
18 fective as of the first month beginning on or
19 after the date of an election under paragraph
20 (1) of an individual described by subparagraph
21 (A)(v) of that paragraph, the obligation of such
22 individual to make contributions under section
23 3011(b) or 3012(c) of title 38, United States
24 Code, as applicable, shall cease, and the re-

1 quirements of such section shall be deemed to
2 be no longer applicable to such person.

3 (6) TERMINATION OF ENTITLEMENT UNDER
4 MONTGOMERY GI BILL.—Except as otherwise pro-
5 vided in paragraph (4), effective on the last day of
6 the month in which an individual makes an election
7 under paragraph (1), the entitlement, if any, of the
8 individual to basic educational assistance under
9 chapter 30 of title 38, United States Code, or edu-
10 cational assistance under chapter 107, 1606, or
11 1607 of title 10, United States Code, as applicable,
12 shall terminate.

13 (7) IRREVOCABILITY OF ELECTIONS.—An elec-
14 tion under paragraph (1) or (2)(A) is irrevocable.

15 **TITLE II—HOUSING**

16 **SEC. 201. REPEAL OF DEPARTMENT OF VETERANS AFFAIRS** 17 **HOUSING LOAN FEE.**

18 (a) REPEAL.—

19 (1) IN GENERAL.—Chapter 37 of title 38,
20 United States Code, is amended by striking section
21 3729.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by striking the item relating to section 3729.

1 (b) CONFORMING AMENDMENTS.—Such title is fur-
 2 ther amended—

3 (1) in section 2041(b)(2)—

4 (A) by striking subparagraph (C);

5 (B) in subparagraph (A), by inserting
 6 “and” after the semicolon; and

7 (C) in subparagraph (B), by striking the
 8 semicolon and inserting a period;

9 (2) in section 3722(c)—

10 (A) by striking paragraph (2); and

11 (B) by redesignating paragraph (3) as
 12 paragraph (2); and

13 (3) in section 3734(b)(2)—

14 (A) by striking subparagraph (A); and

15 (B) by redesignating subparagraphs (B)
 16 through (E) as subparagraphs (A) through (D),
 17 respectively.

18 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated for housing
 20 loans under chapter 37 of title 38, United States Code,
 21 \$250,000,000 for each fiscal year.

22 **SEC. 203. READJUSTMENT HOUSING ALLOWANCE.**

23 (a) PROVISION OF HOUSING ALLOWANCE.—The Sec-
 24 retary of Veterans Affairs shall provide to each qualifying
 25 veteran a voucher in an amount sufficient to pay for the

1 cost of the veteran’s housing for 180 days, except that
 2 in no case shall the amount of the voucher exceed \$6,000.

3 (b) QUALIFYING VETERAN.—For purposes of this
 4 section, the term “qualifying veteran” means a veteran of
 5 Operation Iraqi Freedom or Operation Enduring Freedom
 6 who, on or after September 11, 2001, serves or served,
 7 or both, an aggregate of at least 6 months on active duty
 8 in the Armed Forces in support of a contingency oper-
 9 ation.

10 **TITLE III—EMPLOYMENT**

11 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS FOR VET-** 12 **ERANS EMPLOYMENT AND TRAINING.**

13 There is authorized to be appropriated for veterans’
 14 employment and training under chapter 41 of title 38,
 15 United States Code—

- 16 (1) \$350,000,000 for fiscal year 2009;
- 17 (2) \$375,000,000 for fiscal year 2010;
- 18 (3) \$400,000,000 for fiscal year 2011;
- 19 (4) \$425,000,000 for fiscal year 2012; and
- 20 (5) \$450,000,000 for fiscal year 2012.

21 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR THE** 22 **SERVICE MEMBERS OCCUPATIONAL CONVER-** 23 **SION AND TRAINING ACT.**

24 There is authorized to be appropriated to carry out
 25 the Service Members Occupational Conversion and Train-

1 ing Act (subtitle G of title XLIV of division D of Public
2 Law 102–484 (106 Stat. 2757 et seq.))—

- 3 (1) \$50,000,000 for fiscal year 2009;
- 4 (2) \$55,000,000 for fiscal year 2010;
- 5 (3) \$60,000,000 for fiscal year 2011;
- 6 (4) \$65,000,000 for fiscal year 2012; and
- 7 (5) \$70,000,000 for fiscal year 2012.

○